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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record (partial)* of the 1198th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 18 February 2014, at 3 p.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

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* No summary record was prepared for the rest of the meeting.

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In the absence of Ms. Ameline, Ms. Neubauer, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth to sixth periodic reports of Iraq (continued) (CEDAW/C/IRQ/4-6; CEDAW/C/IRQ/Q/4-6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Iraq took places at the Committee table.*

2. **Mr. Jasim** (Iraq) said that at least one third of the members of the Independent High Commission for Human Rights must be women under its by-laws. However, women's representation continued to fall short of the requirement, despite a Federal Supreme Court ruling that 5 of the 14 Commissioners must be women.

3. **Ms. Malk Mahmood** (Iraq) said that a court had been established in early 2014 to review cases of human rights violations in conjunction with the Independent High Commission for Human Rights. Cases that were not considered by the Commission could be referred to the Public Prosecutor's Office for further investigation.

4. **Ms. Al-Barrack** (Iraq) said that 5 women had been executed in 2012, and 13 between 2005 and 2012. In practice, the death penalty was carried out only in terrorism cases. Statistics on women convicted of prostitution would be provided at a later date. Reports on prison conditions were available on the website of the Ministry of Human Rights, in Arabic and English.

5. **Mr. Jasim** (Iraq) said that training courses for Iraqi professionals working in the criminal justice system were organized in partnership with the European Union Integrated Rule of Law Mission for Iraq.

6. **Ms. Acar** asked how the rights of religious minorities would be affected if article 41 of the Constitution, on personal status and religious practices, were annulled. Given that domestic violence went underreported, perpetrators enjoyed widespread impunity and institutional support was weak, she asked whether the national strategy to combat violence against women would be amended. What was being done to prosecute cases of domestic violence? Was it true that persons who performed female genital mutilation were punished by beating in addition to prison sentences? Lastly, how did the Government deal with honour crimes in the guise of self-immolation and suicide?

7. **Ms. Haidar** said that as article 41 of the Constitution failed to promote respect for the rights of minorities and contradicted article 14, on the principle of equality before the law without distinction as to race, gender and religion, it should be repealed. The Ja'fari personal status law seriously contravened the Convention and should not be incorporated into the law; instead, current legislation on personal status should be developed further and applied to all sectors of society.

8. **Ms. Ameline** asked how the delegation viewed justice in the State party and how judicial independence was guaranteed. Women should be helped to reach positions of responsibility in the police and the justice system because they were key to bringing about peace. Detailed data and indicators must be collected to tackle the various causes, forms and consequences of violence against women.

9. **Ms. Gabr** asked for information on female genital mutilation in areas other than Kurdistan, the number of trafficking cases brought before the courts and the way in which victims were dealt with. She also wished to know how negative stereotyping would be

addressed in school curricula. Had there been media campaigns to deal with stereotypes in religious discourse?

10. **Ms. Šimonović** said that the Government of Iraq should be in a position to withdraw its reservation to article 2 (g) of the Convention given that it had succeeded in annulling or amending relevant penal provisions. She asked whether its reservation to article 16 would be partially or completely withdrawn and, if so, what the possible time frame was.

11. **Mr. Jasim** (Iraq) said that amendments to article 41 of the Constitution were currently being considered in accordance with article 126, which stated that existing laws were to remain in force unless annulled or amended.

12. **Mr. Al-Tamimi** (Iraq) said that a family protection directorate had been established by the Ministry of Interior to deal with domestic violence and employed specialists trained in dealing with such violence. Its statistics from 2010 to 2013 showed a significant rise in reported cases, demonstrating that citizens, particularly women, felt able to turn to the directorate.

13. **Ms. Malk Mahmood** (Iraq) said that there was no impunity for perpetrators of violence against women. All such cases were investigated and perpetrators were duly prosecuted.

14. **Ms. Zangana** (Iraq) said that female genital mutilation was a criminal offence under the law on domestic violence. Although enforcement of the law had initially been weak because female genital mutilation had been considered cultural, specific efforts were currently being made to eradicate the practice, particularly in Kurdistan, including through awareness programmes carried out with civil society organizations. A survey had also been undertaken among more than 20,000 Kurdish women to measure the extent of female genital mutilation, the results of which would allow the necessary action to be taken.

15. **Ms. Yaser** (Iraq) said that the practice was limited to Kurdistan.

16. **Ms. Abo Daka** (Iraq) said that according to a survey 12 per cent of women and girls, mainly in Kurdistan, had been subjected to female genital mutilation. It was classified as violence against women and would be included in the 2013–2017 strategy to combat such violence.

17. **Mr. Rasheed** (Iraq) said that in cases of domestic violence, courts first referred the parties to a family mediation body, which tried to settle disputes amicably and keep families together while giving due consideration to the rights of the victims. In Kurdistan, the authorities no longer applied articles in the Criminal Code which allowed for offences with "honourable" motives to be considered as mitigating circumstances and for the suspension of prison sentences of less than 1 year for such crimes to be suspended. Elsewhere, incitement to suicide was criminalized.

18. **Ms. Yaser** (Iraq) said that the various bodies tasked with monitoring human and women's rights would not allow the proposed amendments to the current law on personal status based on Ja'fari tradition to infringe on those rights.

19. **Ms. Malk Mahmood** (Iraq) said that the head of the Supreme Judicial Council was independent and received funding from the Government. Additionally, judicial bodies were supervised by a committee and female judges received training in all areas of the law.

20. **Ms. Yaser** (Iraq) said that the Supreme Judicial Council was highly respected and known for its work in protecting citizens' rights, particularly the rights of women, who had started to participate in its work. The number of female judges and judicial officers was increasing, which gave further impetus to the promotion of women's rights and opened up new employment opportunities for female law graduates. Iraq had a large number of women police officers. There was also a police academy for women and specific training

was provided to female police officers with the support of international organizations and the Ministry of Interior. Lastly, a plan of action had been developed to implement Security Council resolution 1325 (2000).

21. **Ms. Hadi Khamees** (Iraq) said that human rights education had been incorporated into the school curricula and textbooks on human rights issues had been developed. A fresh approach to education had been taken, with a focus on human and women's rights and women's participation in decision-making. An education programme launched with the support of international organizations, including UN-Women, had led to the improvement of educational materials and a course on human rights, democracy and gender equality was taught at the university level.

22. **Ms. Yaser** (Iraq) said that the religious establishment played an effective role in combating domestic violence and promoting respect for women. Religious institutions had become more deeply involved in combating violence against women in recent years, for example by opening family counselling centres. Many seminars and meetings had been held with members of the media to address the stereotyped image of women in society and programmes on gender mainstreaming were produced by women experts working in the media.

23. **Ms. Dano** (Iraq) said that Iraq was working with INTERPOL and regional partners to combat human trafficking. Training courses and seminars for judicial and prisons personnel were held under the auspices of the European Union and the International Organization for Migration (IOM). Reliable statistics on the phenomenon had been collected since 2012 and efforts were being made to garner all possible information on traffickers.

24. **Ms. Al-Barrak** (Iraq) said that since 2011 there had been growing pressure from civil society on the Government to lift the State party's reservation to article 2 (g) of the Convention. The Supreme Judicial Council, Ministry of State for Women's Affairs and the parliamentary Human Rights Committee were working for the repeal of all discriminatory provisions in national legislation. In some respects, article 16 of the Convention was incompatible with sharia law. There was, however, a growing political willingness to lift all reservations to the Convention and amend the law accordingly.

25. **Ms. Hayashi**, while welcoming the introduction in 2008 of a quota for women members of parliament, noted that, according to one report, their presence had thus far had little impact on its work. She asked what steps were being taken to rectify that situation. She asked why the number of women in the Council of Ministers, the executive branch, had fallen from five in 2005 to just one. She would like to know how political parties had recruited the approximately 2,500 women candidates for the coming April 2014 elections. She regretted the lack of voter statistics, which hampered efforts to gauge women's participation in the political life of the country and asked whether the State party intended to collect such data in the future.

26. **Ms. Halperin-Kaddari** said that the Committee was concerned that, although the State party had withdrawn its reservation to article 9 of the Convention, laws contravening the article were still in force. The Nationality Act, No. 26 of 2006, still restricted the rights of children born outside the country to Iraqi mothers and non-Iraqi fathers. Iraqi women did not enjoy the same rights as Iraqi men to transmit their nationality to their spouses. It appeared that Iraqi women still required approval from male members of the family in order to travel. She asked whether the Government planned to drop the requirement of approval from a male member of the family in order for women to obtain a passport.

27. **Ms. Yaser** (Iraq) said that women members of parliament had on many occasions joined forces to promote the interests of women. Some sat on a parliamentary committee on women and childhood, which had tabled a number of laws.

28. **Ms. Zangana** (Iraq) said that women members of parliament in Kurdistan had played a key role in passing and amending legislation on women's rights.

29. **Ms. Yaser** (Iraq) said that the current lack of women ministers in the Government was largely the result of wrangling between members of the ruling coalition. It was hoped that women would be better represented in parliament and the Council of Ministers after the elections. The Ministry of State for Women's Affairs worked with civil society and the parliamentary Human Rights Committee to raise public awareness of the possibility of voting women into parliament. All data compiled by the Independent High Electoral Commission was disaggregated by sex.

30. **Mr. Al-Tamimi** (Iraq) said that, in principle, any child whose mother or father was Iraqi was considered by the State party to be an Iraqi national. More than 20,000 children had thus received Iraqi nationality since 2006. Non-Iraqi women married to Iraqi nationals could obtain Iraqi nationality after five years of uninterrupted marriage. The Ministry of the Interior could grant nationality to non-Iraqi men married to Iraqi women. Any Iraqi citizen aged 18 and above could apply for a passport without the consent of his or her parents or legal guardians.

31. **Ms. Pomeranzi** said that de facto discrimination in education continued to be a problem in the State party. She asked how much funding was allocated to education and how the Government monitored its use. She would like to know whether there was specific funding to boost female literacy and close the gender gap in access to education and why there had been no campaigns to reduce female illiteracy in rural areas. She also asked what was being done to combat domestic violence, which contributed to high dropout rates among girls, and end the practice of female genital mutilation.

32. **Mr. Bruun** said that the Committee was concerned about the low numbers of women in work, especially in the private sector, and asked whether the Government planned to introduce a comprehensive policy to remedy the situation. He asked for an update on the status of pending draft labour legislation and whether it would include the notion of equal pay for equal work. He also wished to know how the Government approached workplace harassment and whether it planned introduce legislation to combat the phenomenon.

33. **Ms. Nwankwo** asked how the Ministry of Health was reacting to the alarmingly high rates of birth defects and cancer reported among children conceived in the aftermath of the war. More than half the children born in Fallujah between 2007 and 2010 had been born with deformities. One in six pregnancies in the country had ended in miscarriage during the same period. Iraqi women were increasingly reluctant to have children. Cancer rates, particularly among women and children, had risen dramatically since the war. Was the Government attempting to clean up areas affected by lead and mercury contamination left in the wake of wartime aerial bombing?

34. **Ms. Hadi Khamees** (Iraq) said that gender equality in the education system was guaranteed by law. Primary school was compulsory for all. In 2008, the Ministry of Education had set about tackling the problem of functional illiteracy among women up to the age of 45 years by setting up community education centres. Around 4,200 women had successfully completed courses in 2013. Literacy departments had been established in the general directorates of education in the governorates. Around 5,600 literacy centres had been opened in towns, counties, districts, villages and residential areas in 2012. State scholarships were available for persons who enrolled in literacy programmes. Under a community assistance programme run in conjunction with the United Nations Educational, Scientific and Cultural Organization (UNESCO), grants were made available to community organizations to fund literacy classes. Around 4,000 persons had benefited from that programme to date. The Government had been successful in curbing the school dropout

rate. A total of 128 billion Iraqi dinars had been set aside to implement the 2012–2013 national education strategy.

35. **Ms. Zangana** (Iraq) said that human rights education programmes in schools addressed the problem of female genital mutilation, which would also be included in a general anti-violence strategy. Awareness-raising campaigns on the subject had been conducted by the Ministry of Education in some schools.

36. **Ms. Yaser** (Iraq) said that the number of women in work was low. The Government had launched campaigns, including a programme of grants and loans, to encourage women to enter the workforce and start their own businesses, especially in rural areas. Sixteen business centres had been set up in a number of governorates. The Baghdad Chamber of Commerce had more than 6,000 women members and more than 1,000 women in the country ran companies across a broad spectrum of sectors. Some of them were working to encourage more women to start up business. A women's advisory body lobbied actively to promote microcredits for women wishing to do so.

37. **Ms. Mahdi Muhsin** (Iraq) said that the 2010–2014 national poverty reduction strategy provided for vocational training for women, microcredits and efforts to amend legislation in order to encourage flexible working arrangements for women wishing to join the workforce. There had been a steady increase in the number of women taking part in vocational training provided by the Ministry of Labour and Social Affairs. There was no gender-based wage inequality in the private sector. The Government was currently working on a new labour code.

38. **Ms. Yaser** (Iraq) said that sexual harassment in the workplace was not widespread in Iraq. Nevertheless, it constituted a criminal offence and was punishable under legislation on employment in the civil service. There were also plans to introduce specific legislation to combat the phenomenon.

39. **Ms. Abo Daka** (Iraq) said that, on average, 9 out of every 1,000 women of child-bearing age had had an assisted abortion in the State party. There were no statistics on the number of women who had abortions outside the health-care system. The Government's reproductive health plan for 2013–2017 contained provisions aimed at encouraging women not to abort in unsafe conditions. Although high, the incidence of cancer in the country was comparable to average worldwide figures. Two advanced cancer treatment centres operated in Baghdad and more were due to open in other governorates. Cancer treatment was free of charge.

40. **Ms. Hussein** (Iraq) said that 20 per cent of cancer victims in Kurdistan Region suffered from breast cancer. All women in the Region were regularly screened for breast cancer from the age of 18. Cancer wards in the Region received funding of 3 million dinars. The regional health ministry had set up a support fund for cancer patients and treatment was free of charge.

41. **Ms. Patten** asked whether there was a comprehensive database on widows and divorcees in the State party, and what was the mandate and budget of the Directorate of Women's Affairs. She also asked how the directorate was addressing the needs of widowed and divorced women and the wives of missing persons and whether they were eligible for specific State benefits. Was there any scheme to provide them with access to credit?

42. **Ms. Gabr** asked for statistical data on actual landownership among rural women. She also requested details of how women's property was registered in marriage contracts, which was important given that women needed collateral in order to apply for credit. How had the 25 per cent employment rate among rural women provided in paragraph 193 of the report been calculated?

43. **Ms. Haidar** said that information was needed on efforts to uphold the rights of the various ethnic and religious groups in Iraq and protect women from those groups against violence. She expressed concern about the Faili Kurds who had been stripped of their citizenship. She asked what steps had been taken to ensure the participation of minority women in decision-making processes at the municipal level and requested information on minority women's representation in positions of authority.

44. **Ms. Yaser** (Iraq) said that the delay in conducting a full census had made it difficult to calculate the total number of widows. According to the latest figures from the Ministry of Planning, however, that number was estimated to be between 1 million and 1.5 million. The Directorate of Women's Welfare registered poor widowed women, divorced women, women with disabilities, the spouses of detainees and unmarried women over the age of 55 years. Various measures to address the needs of widows included an increase in social benefits, an increase in gender quotas for public office and credits for agricultural projects, particularly for households headed by widowed and divorced women, and support for such women in setting up their own businesses. In 2013, 3,000 housing units had been provided to widows at reduced prices to be reimbursed in instalments. A bill to address the problem of street begging was currently being considered.

45. **Ms. Al-Juboori** (Iraq) said that the Ministry of Agriculture provided capacity-building and training rural for women, including the introduction of new technology to improve productivity. It assisted in launching initiatives such as farm and handicraft trade projects at the village level and raised awareness of animal health issues. The law provided for equal rights for men and women to own and cultivate land and obtain credit for agriculture. Under the Government's agricultural initiative, 31.5 billion dinars had been allocated to rural women.

46. **Ms. Yaser** (Iraq) said that the establishment of cooperatives by rural women in partnership with the agricultural unions had contributed to breaking down stereotypes about the role of rural women. A widowed woman from a rural area headed a major agricultural trade union, which was but one illustration of the increasing empowerment of rural women. The latest fund set up for rural women provided them with easier access to credit by lowering the amount of collateral required and doing away with landownership requirements.

47. **Ms. Al-Ajeeli** (Iraq) said that her delegation would send the Committee information on how the statistics on rural women's employment referred to in the report were produced.

48. **Ms. Yaser** (Iraq) said that all religious groups were treated equally before the law and in practice. The law provided for freedom of religion and quotas for the representation of religious groups in public life. Women of all religious denominations held senior positions.

49. **Mr. Al-Musawy** (Iraq) said that legislation on the rights of the Faili Kurds had been strengthened and action plans were being formulated to build on the advances made. Under the Ministry of Human Rights, a law had been repealed to enable over 6,000 displaced persons from the Faili community to return to their homes and regain Iraqi citizenship.

50. **Ms. Alldad** (Iraq) said that a committee had been set up to address the issue of property confiscated from the Faili Kurds and to restore their rights.

51. **Ms. Halperin-Kaddari** drew attention to general recommendation No. 29 of the Committee on the economic consequences of marriage, family relations and their dissolution, which stated that the preservation of multiple legal systems within a State were a source of discrimination against women. The recommendation could provide guidance to the State party concerning the conflict between article 41 of the Constitution and the Personal Status Act. She asked what action was being taken to stem the increase in early

marriages, particularly in the Kurdistan Region. She expressed concern that polygamy was also increasing and that a law had been adopted in Kurdistan that relaxed restrictions on the practice. How were the economic rights of women safeguarded in temporary and polygamous marriages? The website of the Ministry of the Interior set out the requirements for passport applications, including the consent of a male guardian for non-married women and the husband for married women, which conflicted with the information provided earlier that women did not need to seek such consent to obtain a passport. She requested clarification in that regard.

52. **Mr. Jasim** (Iraq) said that article 41 of the Constitution was subject to amendment. Under the Personal Status Act, informal marriages concluded outside the courts were unlawful and punishable by a term of imprisonment of between 6 months and 5 years.

53. **Mr. Rasheed** (Iraq) said that legislation governing marriage in Kurdistan had been amended to bring it into line with the Convention. Polygamy was rare in the country. Women had the right to request a divorce, a woman's mother was considered her guardian in the event of the death, absence or imprisonment of her husband, and women could claim alimony from their former husbands. Various legislative amendments had been made to guarantee that men and women were treated equally, including a law to repeal the provision requiring women in positions of authority to be married.

54. **Ms. Mahmood** (Iraq) said that, while the law set the minimum age for marriage at 18 years, girls aged 15 years could marry with the authorization of a judge. Underage girls might undergo a physical examination to determine whether they were mature enough for marriage, but the judge was not bound by the examination and had discretion over whether to refuse to grant authorization. Cases in which fathers married off daughters under the minimum age without authorization were investigated and prosecuted. In order to obtain permission to enter into a polygamous marriage, certain conditions needed to be met, including an adequate level of income and other financial resources and the consent of the first wife.

55. **Ms. Zangana** (Iraq) said she would forward further details of the Personal Status Act, which seemed to need some clarification. According to a survey conducted by the competent ministries, including the Ministry of Planning, 24 per cent of girls between the ages of 15 and 19 years were married. Studies into early marriage and its impact on health, education and legal rights had been carried out and the results had formed the basis of recommendations which would be put forward to the relevant authorities.

56. **Mr. Al-Tamimi** (Iraq) said that only minors were required to seek the consent of a guardian to apply for a passport.

57. **Ms. Halperin-Kaddari** said that the passport application procedure set out by the Ministry of the Interior on its official website contradicted that information and therefore needed to be changed.

58. **Ms. Yaser** (Iraq) said that she would contact the Ministry of the Interior to enquire about the discrepancy and would relay her findings to the Committee. She thanked the Committee and said that steps would be taken to train officials in the Ministry of State for Women's Affairs and the Ministry of Human Rights, to include civil society in the preparation of periodic reports and to follow up on the Committee's recommendations.

59. **The Chairperson** commended the delegation in particular for the measures implemented in the Kurdistan Region and hoped that the rest of the country would follow that example.

The discussion covered in the summary record ended at 5.30 p.m.